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FILED IN THE
U.S. DISTRICT COURT
Eastern District of Washington

APR 24 2001

JAMES R. LARSEN, CLERK
DEPUTY

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON
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14 ALFRED P. CHRISTOFFERSEN,
15 WILLIAM J. GIBSON, RICHARD F.
16 MAIN, and JOHN R. WARN,

Plaintiffs,

vs.

17 WASHINGTON AIR NATIONAL
18 GUARD, in its capacity as a Federal
19 Agency, MAJOR GENERAL
20 TIMOTHY J. LOWENBERG, as a
21 Federally Recognized Adjutant General
22 of Washington State, UNITED STATES
23 AIR FORCE, a Department and Agency
24 of the United States; and NATIONAL
25 GUARD BUREAU, an Agency of the
26 United States,

Defendants.

Case No. CS-01-0010-AAM

**AFFIDAVIT OF C. MATTHEW
ANDERSEN**

(Cause No. 81-02-03081-0, In the
Superior Court, State of Washington,
County of Spokane)

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STATE OF WASHINGTON)
: ss.
County of Spokane)

C. Matthew Andersen, being first duly sworn upon oath, deposes and says:


- (1) That I am one of the attorneys for Plaintiffs in the above entitled action, over the age of majority and well acquainted with the facts stated herein and competent to testify as to such facts.
- (2) I submit this affidavit in support of Plaintiffs' Motion for Summary Judgment for Declaratory Relief.
- (3) The information and attached exhibits set forth herein is true and correct to the best of my knowledge and belief, based on my review of the court files and related records.
- (4) Exhibit 1 is an exemplary illustrative copy of the of the letter sent to each Plaintiff advising them that they were involuntarily terminated as Technicians due to loss of membership in the Guard and the action was not "adverse".
- (5) Exhibit 2 is an exemplary copy of the AFBCMR opinion of February 22, 2000. It is similar in form as to each of the Plaintiffs.

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- (6) Exhibit 3 is a copy of the February 16, 2001 order of Judge Nielsen denying removal.
- (7) Exhibit 4 is a copy of the relevant portions of ANGR 36-06, which calls for consideration of a Technician's legibility for retirement. (Para. 10(e)(4).
- (8) Exhibit 5 is a copy of the concubinary finding of the ABGR 36-06 Board that each Plaintiff was "most qualified to meet the continuing requirements of their assignment."
- (9) Exhibits 6, 7, 8, and 9 are copies of the affidavits previously filed by each Plaintiff in the Court of Claims actions and sets forth the background of their claims.
- (10) Exhibit 10 is a copy of MG Collins' "hit list" which ranked Plaintiff Christoffersen, Gibson, Main and Warn as the number 1-4 individuals to be terminated despite the favorable ruling of the ANGR 36-06 Board.
- (11) Exhibit 11 is a copy of the Memorandum of Washington State Air National Guard advocating removal of the Superior Court lawsuit.
- (12) Exhibit 12 is a copy of the Declaration of Jonathan T. McCoy filed in CS 00-216 WFN in support of the State's request to remove the Superior Court action filed in Spokane County Superior Court 1981-02-03081-0.

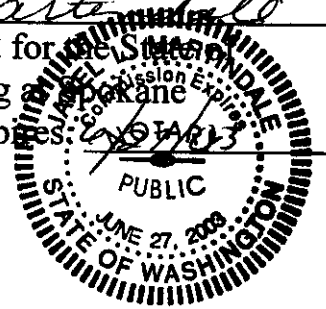
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(13) Exhibit 13 is a copy of the decision rendered in U.S. Department of Defense, National Guard Bureau and the Association of Civilian Technicians, 55 FLRA No. 115, FLRA Rep. No. 946, 1999 WL 563729 (FLRA).


C. MATTHEW ANDERSEN


SUBSCRIBED AND SWORN to before me this 24 day of April, 2001.


Notary Public in and for the State of
Washington, residing at Spokane
My Commission Expires: 6/27/03

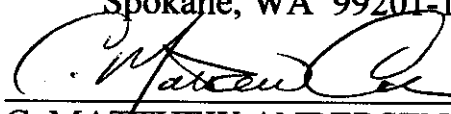


I hereby certify that I caused a true and correct copy of the foregoing to be [] mailed, postage prepaid; [] sent via facsimile; ☒ hand-delivered, on this 24th day of April 2001 to:

Jonathan T. McCoy
Assistant Attorney General
Attorney General of Washington
11215 Washington Street SE
Olympia, WA 98504-0100

hand delivered 

Rolf H. Tangvald
U. S. Attorney's Office
920 W. Riverside Ave., Suite 300
Spokane, WA 99201-1008


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ATTACHMENTS
NOT
SCANNED